

# Exhibit 1

1           IN THE UNITED STATES DISTRICT COURT  
2                           DISTRICT OF NEW JERSEY

3                           -   -   -

4           IN RE JOHNSON & JOHNSON :   MDL NO.  
5           TALCUM POWDER PRODUCTS :   16-2738 (FLW) (LHG)  
6           MARKETING, SALES :  
7           PRACTICES, AND PRODUCTS :  
8           LIABILITY LITIGATION :  
9

10           THIS DOCUMENT RELATES :  
11           TO ALL CASES :  
12

13                           -   -   -

14                           JULY 26, 2018  
15

16                           -   -   -

17                           Videotape deposition of  
18           SUSAN NICHOLSON, M.D., taken pursuant to  
19           notice, was held at the law offices of  
20           Blank Rome, LLP, 301 Carnegie Center, 3rd  
21           Floor, Princeton, New Jersey 08540,  
22           beginning at 9:37 a.m., on the above  
23           date, before Amanda Dee Maslynsky-Miller,  
24           a Certified Court Reporter for the State  
                          of New Jersey.

                          -   -   -

                          GOLKOW LITIGATION SERVICES  
                          877.370.3377 ph | 917.591.5672 fax  
                          deps@golkow.com

Page 2	Page 4
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Page 3	Page 5
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Page 6			Page 8		
1	- - -		1	- - -	
2	I N D E X		2	E X H I B I T S	
3	- - -		3	- - -	
4	Testimony of: SUSAN NICHOLSON, M.D.		4	NO. DESCRIPTION PAGE	
5			5	Nicholson-26 LinkedIn; Bob Glenn	325
6	By Mr. Parfitt 16		6	Nicholson-27 JNJ 000369193-195	329
7	By Mr. Tisi 173		7	Nicholson-28 JNJNL61_000101028-029	337
8	- - -		8	Nicholson-29 JNJ 000391641	350
9	E X H I B I T S		9	Nicholson-30 JNJ 000369203	350
10	- - -		10	Nicholson-31 JNJ 000375565-804	351
11	NO. DESCRIPTION PAGE		11	Nicholson-32 JNJ 000388207-213	365
12	Nicholson-1 The Plaintiffs' Steering		12	Nicholson-33 MUSCAT000001187-188	373
13	Committee's Second Amended		13	Nicholson-34 IMERYYS 324762-922	381
14	Notice of the 30(b)(6)		14	Nicholson-35 IMERYYS 242353-362	443
15	Deposition of Defendant		15	Nicholson-36 IMERYYS 242340-352	443
16	Johnson & Johnson 23		16	Nicholson-37 IMERYYS 280060-072	444
17	Nicholson-2 The Plaintiffs' Steering		17	Nicholson-38 IMERYYS 272262-275	445
18	Committee's Amended Notice		18	Nicholson-39 JNJ 000379348-349	447
19	Of the 30(b)(6) Deposition		19	Nicholson-40 IMERYYS 241866-869	449
20	Of Defendant Johnson &		20	Nicholson-41 JNJ 000376096-102	454
21	Johnson 23		21	Nicholson-42 IMERYYS 322237-238	489
22	Nicholson-3 Curriculum Vitae, Susan C.		22	Nicholson-43 IMERYYS 248635	501
23	Nicholson, M.D., F.I.D.S.A.49		23	Nicholson-44 JNJ 000394320-329	502
24	Nicholson-4 Handwritten Notes 95		24		
	Nicholson-5 JNJ 000526208 134				
	Nicholson-6 JNJ 000637879-881 144				
	Nicholson-7 FDA printout; Talc 145				
	Nicholson-8 Consumer and Personal				
	Products Spreadsheet 178				
Page 7			Page 9		
1	- - -		1	- - -	
2	E X H I B I T S		2	D E P O S I T I O N S U P P O R T I N D E X	
3	- - -		3	- - -	
4	NO. DESCRIPTION PAGE		4		
5	Nicholson-9 JNJ 000018732-737 195		5	Direction to Witness Not to Answer	
6	Nicholson-10 JNJ 000375876-883 201		6	Page Line Page Line Page Line	
7	Nicholson-11 IMERYYS 154013-020 202		7	None	
8	Nicholson-12 Perineal Talc Use and		8		
9	Ovarian Cancer Risk: A		9		
10	Case Study of Scientific		10	Request for Production of Documents	
11	Standards in Environmental		11	Page Line Page Line Page Line	
12	Epidemiology 203		12	238 3	
13	Nicholson-13 Interrogatory Answers 207		13	434 20	
14	Nicholson-14 SKIPPED		14		
15	Nicholson-15 JNJ 000389796-804 214		15	Stipulations	
16	Nicholson-16 SKIPPED		16	Page Line Page Line Page Line	
17	Nicholson-17 JNJ 000379354-357 231		17	10 1	
18	Nicholson-18 JNJ 000017587-612 235		18		
19	Nicholson-19 IMERYYS-A_0023852 244		19		
20	Nicholson-20 JNJ 000022060-061 252		20	Question Marked	
21	Nicholson-21 JNJ 000017613-627 262		21	Page Line Page Line Page Line	
22	Nicholson-22 JNJ 000377405 268		22	None	
23	Nicholson-23 JNJ 000003399-400 297		23		
24	Nicholson-24 JNJ 000014057-059 314		24		
	Nicholson-25 Crowell & Moring;				
	Environmental & Toxic				
	Tort Litigation 323				

<p style="text-align: right;">Page 10</p> <p>1               - - -</p> <p>2               (It is hereby stipulated and</p> <p>3               agreed by and among counsel that</p> <p>4               sealing, filing and certification</p> <p>5               are waived; and that all</p> <p>6               objections, except as to the form</p> <p>7               of the question, will be reserved</p> <p>8               until the time of trial.)</p> <p>9               - - -</p> <p>10              VIDEO TECHNICIAN: We are</p> <p>11              now on the record. My name is</p> <p>12              Henry Marte, I'm a videographer</p> <p>13              with Golkow Litigation Services.</p> <p>14              Today's date is July 26th, 2018,</p> <p>15              and the time is 9:37 a.m.</p> <p>16              This videotape deposition is</p> <p>17              being held in Princeton, New</p> <p>18              Jersey, in the matter of Talcum</p> <p>19              Powder Litigation. The deponent</p> <p>20              today is Susan Nicholson.</p> <p>21              All appearances will be</p> <p>22              noted on the stenographic record.</p> <p>23              The court reporter is Amanda</p> <p>24              Miller and will now administer the</p>	<p style="text-align: right;">Page 12</p> <p>1              notice, including, without</p> <p>2              limitation, the deposition -- the</p> <p>3              definition of asbestos.</p> <p>4              Three, we want to make clear</p> <p>5              that this witness is being offered</p> <p>6              on behalf of J&amp;J and J&amp;J Consumer.</p> <p>7              Four, it's my understanding</p> <p>8              that, by agreement of counsel,</p> <p>9              this deposition may also be used</p> <p>10             in the Georgia case, the Bower</p> <p>11             case. And if you need me to give</p> <p>12             the caption, I would be happy to</p> <p>13             do it.</p> <p>14             And then, finally, I just</p> <p>15             want to make clear on the record</p> <p>16             that Dr. Nicholson is here today</p> <p>17             as the corporate representative</p> <p>18             with respect to items Roman</p> <p>19             Numeral II, Item 10; Roman Numeral</p> <p>20             IV, Items 1, 2, 3, 4, 5, 6, 7, 8,</p> <p>21             not 9, 10, 11, 12, 13, 14 and 15.</p> <p>22             And with that, I thank you.</p> <p>23             MS. PARFITT: You're very</p> <p>24             welcome.</p>
<p style="text-align: right;">Page 11</p> <p>1              oath to the witness.</p> <p>2              - - -</p> <p>3              SUSAN NICHOLSON, M.D., after</p> <p>4              having been duly sworn, was</p> <p>5              examined and testified as follows:</p> <p>6              - - -</p> <p>7              MR. SMITH: Good morning.</p> <p>8              MS. PARFITT: Good morning.</p> <p>9              MR. SMITH: Jim Smith on</p> <p>10             behalf of J&amp;J and J&amp;J Consumer.</p> <p>11             I just want to state a few</p> <p>12             things for the record before we</p> <p>13             get started.</p> <p>14             First, we are producing this</p> <p>15             witness pursuant to the March</p> <p>16             19th, 2018, 30(b)(6) deposition</p> <p>17             notice that was served by the</p> <p>18             plaintiffs.</p> <p>19             Two, we're producing this</p> <p>20             witness pursuant to the MDL</p> <p>21             protective order dated March 1,</p> <p>22             2017, and we want to make clear</p> <p>23             for the record that we object to</p> <p>24             the definitions in the deposition</p>	<p style="text-align: right;">Page 13</p> <p>1              Mr. Smith, I would just like</p> <p>2              to correct, perhaps, one thing you</p> <p>3              stated.</p> <p>4              My understanding is that Dr.</p> <p>5              Nicholson is here as well to give</p> <p>6              testimony on the area of 1.1, as</p> <p>7              it pertains to the warnings area</p> <p>8              with regard to the product and</p> <p>9              labels.</p> <p>10             MS. SHARKO: That was</p> <p>11             resolved by giving you a chart, I</p> <p>12             believe.</p> <p>13             MS. PARFITT: No. I think</p> <p>14             that was with regard to the actual</p> <p>15             products but not necessarily the</p> <p>16             accessory components, such as</p> <p>17             labels and things like that. So</p> <p>18             we will be talking to the doctor</p> <p>19             with regard to that as well.</p> <p>20             Most of those areas were</p> <p>21             indeed addressed, but there was</p> <p>22             remaining an area pertaining to</p> <p>23             specifically the warning area.</p> <p>24             MS. SHARKO: That's not my</p>

<p style="text-align: right;">Page 14</p> <p>1 recollection or understanding. I 2 will look at Pisano's opinion and 3 my notes, and I assume it won't 4 impede going forward -- 5 MS. PARFITT: No, I can 6 move forward -- 7 MR. TISI: Susan, excuse me, 8 I believe following the resolution 9 by the judge, you offered this 10 witness for that category, absent 11 -- you should go back and take a 12 look at your proffer of this 13 witness as well. 14 MS. SHARKO: All right. If 15 you have something, why don't you 16 send it to me? 17 MR. TISI: I'll do that. 18 I'm happy to do that. 19 MS. SHARKO: Okay. 20 MR. TISI: I'll do it. 21 MR. SMITH: So can we agree, 22 because there's obviously some 23 confusion about this, that that 24 subject matter we'll talk about</p>	<p style="text-align: right;">Page 16</p> <p>1 deposition. 2 So for the record, to the 3 extent I need to object at this 4 point, I'm objecting. 5 MR. SMITH: Thank you, Mr. 6 Meadows. 7 I was told that, by 8 agreement of counsel, the 9 deposition could be used. But why 10 don't we look into it on a break, 11 and we'll see if we can work it 12 out. Fair enough? 13 But your objection is noted. 14 MR. MEADOWS: Thank you. 15 MS. PARFITT: I think with 16 that we can begin. 17 - - - 18 EXAMINATION 19 - - - 20 BY MS. PARFITT: 21 Q. Good morning, Dr. Nicholson. 22 A. Good morning. 23 Q. We previously introduced 24 ourselves, but again my name is Michelle</p>
<p style="text-align: right;">Page 15</p> <p>1 off the record, and then we'll put 2 on the record whatever we need to 3 put on the record. 4 But for now, the witness is 5 not going to be asked questions 6 about Roman Numeral I, Item Number 7 1. 8 MS. PARFITT: Well, I think 9 what we can agree to is that we'll 10 look at the order and make sure we 11 all have the same understanding, 12 and I can certainly come back to 13 it. 14 MR. SMITH: Perfect. 15 MS. PARFITT: All right. 16 We're good. 17 MR. MEADOWS: You made 18 reference to the Georgia case. 19 MR. SMITH: Yes. 20 MR. MEADOWS: And I assume 21 you're referring to the Brower 22 case. And I am not aware of any 23 cross-notice that was filed in the 24 Brower case with respect to this</p>	<p style="text-align: right;">Page 17</p> <p>1 Parfitt. We'll be spending some time 2 today, as well as some of my colleagues, 3 and some -- a few preparatory remarks, if 4 I may. 5 This is not your first 6 deposition, correct? 7 A. It is, actually. 8 Q. It is your first deposition. 9 All right. Very good. 10 Well, then, we will talk 11 then a bit about some of the rules that 12 might apply to it. 13 But before that, for the 14 ladies and gentlemen of the jury, you are 15 a medical doctor, correct? 16 A. I am. That's correct. 17 Q. And your current employer is 18 Johnson &amp; Johnson; is that correct? 19 A. That's correct. 20 Q. Do your paychecks read 21 Johnson &amp; Johnson or Johnson &amp; Johnson 22 CI? 23 A. That's a good question. I 24 haven't looked at them very closely.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. From your C.V. that you were 2 kind enough to provide us, I understand 3 you've been with Johnson &amp; Johnson since 4 about 2006; is that correct?</p> <p>5 A. That's correct. May of 6 2006.</p> <p>7 Q. Dr. Nicholson, this 8 deposition is being taken pursuant to 9 Special Master Pisano's order of February 10 6th, 2018, wherein he provided that we 11 were able to take permissible topics 12 described in the order that your counsel 13 has just discussed.</p> <p>14 We reserve the right to 15 follow-up on any and all of those topics, 16 including inquiry of any individuals that 17 you may identify in response to those 18 various topics. You have, indeed, been 19 designated to these matters. And in one 20 moment I'll be showing you the amended 21 notice of deposition.</p> <p>22 To the extent you are 23 unprepared, not competent -- I mean those 24 in very professional ways -- to answer</p>	<p style="text-align: right;">Page 20</p> <p>1 MS. PARFITT: It is dated 2 June 22nd. I believe that's the 3 amended. There was an original 4 notice of deposition and then 5 there was an amended notice of 6 deposition.</p> <p>7 MR. SMITH: So I want to 8 make sure that -- as I appreciate 9 it, there are differences between 10 the two notices. And I don't want 11 there to be any confusion on the 12 record.</p> <p>13 MS. PARFITT: Correct.</p> <p>14 MR. SMITH: We're producing 15 the witness pursuant to the March 16 19, 2018 notice. And if we can 17 put that notice before the 18 witness, I would be grateful.</p> <p>19 MS. PARFITT: Well, my 20 understanding is the amended 21 notice of deposition is the one 22 that we would be operating under, 23 Mr. Smith. It was subsequently 24 filed and agreed upon by the</p>
<p style="text-align: right;">Page 19</p> <p>1 any of the questions, what I would ask 2 you to do is to advise me of that point, 3 that these are areas or these are 4 substantive questions for which you just 5 do not feel competent or do not feel 6 prepared to answer the question, so that 7 I can take appropriate action.</p> <p>8 Do we have that 9 understanding?</p> <p>10 A. Yes.</p> <p>11 Q. I also reserve the right, as 12 Judge Pisano has permitted, to request a 13 supplemental deposition in the event that 14 many of the matters that we hope to 15 discuss today need to be addressed by 16 someone else.</p> <p>17 At this point, what I'd like 18 to do is mark your notice of deposition. 19 And this is entitled, Plaintiffs' 20 Steering Committee Second Amended Notice 21 of Deposition, 30(b)(6), of Defendant 22 Johnson &amp; Johnson.</p> <p>23 MR. SMITH: Counsel, is this 24 the notice dated March 19, 2018?</p>	<p style="text-align: right;">Page 21</p> <p>1 parties.</p> <p>2 Let me check the date for 3 you.</p> <p>4 MR. SMITH: Okay.</p> <p>5 MS. SHARKO: So, Michelle, I 6 can clear this up. After Judge 7 Pisano ruled, the plaintiffs went 8 back and rewrote the deposition 9 notice and added a lot of things 10 in. We took the position that 11 that was a nullity, that we're 12 operating under the original 13 notice. And we don't agree with 14 your editorial comments and your 15 things in that notice.</p> <p>16 And I think we just agree to 17 disagree. So that's -- that's 18 where that dispute landed.</p> <p>19 I don't think there's a 20 dispute as to the wording of the 21 topics as modified by the judge. 22 It's more over the form and the 23 additions and things you wrote in 24 the June notice.</p>



<p style="text-align: right;">Page 22</p> <p>1 So our position is we're 2 doing March. I understand your 3 position is we're doing June. And 4 I don't know that -- 5 MS. PARFITT: Correct. And 6 I'm not sure -- 7 MS. SHARKO: -- it should 8 impede the deposition. 9 MS. PARFITT: Thank you, 10 Susan, I appreciate that. 11 But you are correct, I am 12 proceeding as though we were 13 moving forward under the second 14 notice of deposition. And that is 15 the one that I have prepared to 16 mark. 17 I do not even have a copy of 18 the original notice of deposition. 19 Jim, if you have that, we 20 can mark both -- 21 MR. SMITH: We do. 22 MS. PARFITT: -- if you'd 23 like. 24 MR. SMITH: Yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 Notice of the 30(b)(6) Deposition 2 of Defendant Johnson &amp; Johnson, 3 was marked for identification.) 4 - - - 5 BY MS. PARFITT: 6 Q. If I may, Dr. Nicholson, 7 I'll reach over here and hand you a copy 8 of what's been marked as Exhibit-1. And 9 that's the Nicholson notice of -- excuse 10 me, the 30(b)(6) notice of deposition. 11 Dr. Nicholson, if I may, let 12 me hand you what's been marked as Exhibit 13 Number 2. And that is the plaintiffs' 14 steering committee amended notice of 15 deposition. 16 MR. SMITH: And just for the 17 record, this is the notice, "this" 18 being Exhibit Number 2, for 19 defendant Johnson &amp; Johnson. And 20 Exhibit Number 1 is for defendant 21 Johnson &amp; Johnson. I think there 22 were separate notices -- 23 MS. PARFITT: There were. 24 MR. SMITH: -- for consumer.</p>
<p style="text-align: right;">Page 23</p> <p>1 MS. PARFITT: Very good. 2 But we will be proceeding, for 3 purposes of the day, at least the 4 plaintiffs, me, who is taking your 5 deposition, pursuant to the second 6 amended. 7 And, Susan, I understand 8 your comments and your objection. 9 So what we'll do is have the 10 first, the original notice of 11 30(b)(6) deposition also marked, 12 and that would be Exhibit-2. 13 - - - 14 (Whereupon, Exhibit 15 Nicholson-1, The Plaintiffs' 16 Steering Committee's Second 17 Amended Notice of the 30(b)(6) 18 Deposition of Defendant 19 Johnson &amp; Johnson, was marked for 20 identification.) 21 - - - 22 (Whereupon, Exhibit 23 Nicholson-2, The Plaintiffs' 24 Steering Committee's Amended</p>	<p style="text-align: right;">Page 25</p> <p>1 I don't know that we need to 2 mark them. But if you think we 3 do, I just wanted to point that 4 out for the record. 5 MS. PARFITT: Well, that was 6 one of the next questions. 7 BY MS. PARFITT: 8 Q. Dr. Nicholson, you are 9 appearing today on behalf of Johnson &amp; 10 Johnson and Johnson &amp; Johnson CI; is that 11 correct? 12 A. That is correct. 13 Q. All right. If at any point 14 in time in responding to my questions 15 your response is not relevant to one or 16 the other, I need you to tell me that. 17 Do we have that 18 understanding? 19 MR. SMITH: Objection. 20 I don't have that 21 understanding. I think if the 22 witness can do it, but I don't 23 want to impose a burden upon her, 24 a continuing burden to decide</p>



<p style="text-align: right;">Page 26</p> <p>1 what's relevant and what's not.  2 Obviously, if there are  3 things that come to mind that  4 wouldn't apply to one, she'll do  5 her best to tell you. But I  6 don't -- well, enough said.  7 MS. PARFITT: Understood.  8 BY MS. PARFITT:  9 Q. I know you'll do the best  10 you can. And I don't expect that will  11 happen often, Dr. Nicholson, but if there  12 is a situation, I would just like you to  13 alert me to that.  14 The other thing is, is you  15 understand that your testimony here today  16 as a 30(b)(6) witness is binding upon  17 both corporations, Johnson &amp; Johnson and  18 Johnson &amp; Johnson CI; is that correct?  19 A. That is correct.  20 Q. Now, I understand from your  21 counsel you have previously been provided  22 these notices of deposition, correct?  23 A. Not these two. But the  24 March notice of deposition, yes, I have.</p>	<p style="text-align: right;">Page 28</p> <p>1 can, but I must share with you that we'll  2 probably, and the ladies and gentlemen of  3 the jury, be jumping around a little bit  4 because there is a certain amount of  5 overlap.  6 Do you understand that?  7 A. I do. I'll do my best to  8 follow.  9 Q. Is there any reason that you  10 are not prepared to move forward today?  11 A. Not that I'm aware of, no.  12 Q. Can we agree on certain  13 definitions? One being when I say or you  14 say "Johnson &amp; Johnson," we're talking  15 about Johnson &amp; Johnson and Johnson &amp;  16 Johnson CI, unless you tell me otherwise?  17 A. That's fine.  18 Q. That will shorten things a  19 bit.  20 A. Okay. That's fine.  21 Q. Can we also agree that when  22 I say "talcum powder products," we're  23 talking about Johnson &amp; Johnson's talcum  24 baby powder and we're talking about</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. All right. And you've had  2 an opportunity to read through the  3 document so that you have an  4 understanding as to the areas of  5 testimony that your counsel previously  6 identified; is that correct?  7 A. That's correct.  8 Q. And you are here today  9 prepared to talk about those areas of  10 deposition -- areas of inquiry; is that  11 correct?  12 A. That is correct.  13 MR. SILVER: Michelle, one  14 question for the record. I think  15 it's part of the rules, but agree  16 that an objection for one is  17 objection for all?  18 MS. PARFITT: Yes, indeed.  19 You're very welcome.  20 BY MS. PARFITT:  21 Q. As we move through today and  22 tomorrow, Dr. Nicholson, we will be  23 talking about these various areas. And  24 we'll try to make it as orderly as we</p>	<p style="text-align: right;">Page 29</p> <p>1 Johnson &amp; Johnson's Shower to Shower; is  2 that agreed?  3 A. Yes. That's fair.  4 Q. And when we talk about  5 "Imerys," can we agree, if I say "Imerys"  6 or "Luzenac," can we agree that they are  7 fairly interchangeable?  8 A. Yes.  9 Q. I understand different  10 corporations.  11 Likewise, with Rio Tinto?  12 A. Yes.  13 Q. And, again, you'll clarify  14 for me in the event that there needs to  15 be a clarification, right?  16 A. Yes.  17 Q. All right. I learned today  18 that this is the first time you've  19 actually been deposed?  20 A. That's correct.  21 Q. So on other occasions where  22 you've had the opportunity to give  23 testimony, they have been in trial; is  24 that correct --</p>

<p style="text-align: right;">Page 30</p> <p>1 A. That is correct.</p> <p>2 Q. -- relevant to the Johnson &amp;</p> <p>3 Johnson baby powder?</p> <p>4 A. That's correct.</p> <p>5 Q. All right. Would I be</p> <p>6 correct that you have testified three</p> <p>7 times on behalf of Johnson &amp; Johnson in</p> <p>8 trial?</p> <p>9 A. Yes, that is correct.</p> <p>10 Q. Would that be the Ingham</p> <p>11 case being one?</p> <p>12 A. I believe so.</p> <p>13 Q. In St. Louis?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And the Daniels</p> <p>16 case --</p> <p>17 A. Correct.</p> <p>18 Q. -- in St. Louis?</p> <p>19 And I believe we have a</p> <p>20 Gianna Keany? And I may not pronounce --</p> <p>21 A. Gianna Keany I think is the</p> <p>22 name.</p> <p>23 Q. Thank you very much, yes.</p> <p>24 And that would be the third?</p>	<p style="text-align: right;">Page 32</p> <p>1 courtroom with the intention to appear as</p> <p>2 a witness, but that trial was dismissed</p> <p>3 as a mistrial before I actually</p> <p>4 testified.</p> <p>5 Q. All right. Very good.</p> <p>6 You have previously</p> <p>7 testified, Dr. Nicholson, that Johnson &amp;</p> <p>8 Johnson is a healthcare company; is that</p> <p>9 correct?</p> <p>10 A. That is correct.</p> <p>11 Q. That's what Johnson &amp;</p> <p>12 Johnson does; is that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. And one of your interests</p> <p>15 has been women's health issues; is that</p> <p>16 also correct?</p> <p>17 A. That is correct.</p> <p>18 Q. And you have gone on record</p> <p>19 saying that J&amp;J is ahead of the pack in</p> <p>20 promoting health, wellness and leadership</p> <p>21 of women; is that correct?</p> <p>22 A. I don't recall using "ahead</p> <p>23 of the pack" as a terminology, but</p> <p>24 certainly it is a commitment that we</p>
<p style="text-align: right;">Page 31</p> <p>1 A. That's correct.</p> <p>2 Q. Have you provided trial</p> <p>3 testimony relevant to the issues that</p> <p>4 we're talking about today in any other</p> <p>5 forum other than those trial courts?</p> <p>6 A. No, I have not.</p> <p>7 Q. Have you ever been asked to</p> <p>8 testify, prior to today, as a 30(b)(6)</p> <p>9 witness on behalf of the corporations J&amp;J</p> <p>10 and J&amp;J CI?</p> <p>11 A. I don't believe I have. But</p> <p>12 I'm not always clear on what the legal</p> <p>13 designation I have in the courtroom.</p> <p>14 Q. Is it possible that you have</p> <p>15 been designated as not only an expert</p> <p>16 witness but also a corporate rep in some</p> <p>17 of those trials?</p> <p>18 A. Yes, that is possible.</p> <p>19 Q. Have you gone and appeared</p> <p>20 at any trials where you have not given</p> <p>21 testimony but you have been there in the</p> <p>22 capacity as a corporate representative of</p> <p>23 the company?</p> <p>24 A. In one trial I was in the</p>	<p style="text-align: right;">Page 33</p> <p>1 have, yes.</p> <p>2 Q. If I represented to you</p> <p>3 that -- most recently you had an</p> <p>4 opportunity to testify in the Ingham</p> <p>5 case?</p> <p>6 A. Yes.</p> <p>7 Q. I think that was as recent</p> <p>8 as back in June of 2018.</p> <p>9 So those words at least seem</p> <p>10 familiar, "ahead of the pack"?</p> <p>11 A. I don't recall using that</p> <p>12 terminology. I may have, but I don't</p> <p>13 recall using that terminology.</p> <p>14 Q. It wouldn't be improper or</p> <p>15 something you wouldn't want to say, that</p> <p>16 J&amp;J is ahead of the pack; is that</p> <p>17 correct? Would that be an accurate</p> <p>18 statement?</p> <p>19 A. Well, it would depend on the</p> <p>20 area. Generally, I do think that we are</p> <p>21 ahead of the pack in certain areas, but I</p> <p>22 would not say in every area.</p> <p>23 Q. Fair enough.</p> <p>24 A. So I would qualify that.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. Where would you say that J&amp;J 2 is ahead of the pack, in what healthcare 3 areas?</p> <p>4 A. When it comes to maternal 5 health and maternal/baby bonding and the 6 science around bonding between mother and 7 newborn, J&amp;J has certainly been a leader 8 in studying that area and publishing in 9 that area.</p> <p>10 Q. Fair enough. Thank you. 11 Now, your job for Johnson &amp; 12 Johnson has been, for many years, to 13 accept responsibility on behalf of the 14 corporation for the safety of its 15 products; is that correct?</p> <p>16 A. I wouldn't term it exactly 17 like that. My job has been to oversee 18 the safety of products. I think that it 19 is not possible to guarantee the 20 performance of any given product, due to 21 the variety of ways those products are 22 used.</p> <p>23 But, certainly, I've 24 committed myself to the responsibility of</p>	<p style="text-align: right;">Page 36</p> <p>1 MS. PARFITT: -- reservation. 2 Not that I agree with you, but I 3 accept it and we'll move forward. 4 And this is, indeed, some 5 background.</p> <p>6 BY MS. PARFITT: 7 Q. Today you're going to be 8 talking about talc -- Johnson &amp; Johnson's 9 baby powder and its -- the safety of that 10 product; is that correct? That's an area 11 you're going to talk about?</p> <p>12 A. That's correct.</p> <p>13 Q. You're also going to be 14 talking about issues related to the 15 purity of the Johnson &amp; Johnson's baby 16 powders, correct?</p> <p>17 A. That is covered in some of 18 the topics, yes.</p> <p>19 Q. And you will also be talking 20 today about whether or not your talcum 21 powder products contain asbestos; is that 22 correct?</p> <p>23 A. I don't believe that is 24 actually part of the topics that I'm</p>
<p style="text-align: right;">Page 35</p> <p>1 the oversight of the safety of products. 2 Q. And that includes Johnson &amp; 3 Johnson talcum powder -- or, excuse me, 4 baby powder and Shower to Shower?</p> <p>5 A. That's correct.</p> <p>6 MR. SMITH: Counsel, let me 7 just note for the record while 8 there's no question pending.</p> <p>9 MS. PARFITT: Of course.</p> <p>10 MR. SMITH: Can I have an 11 agreement that I have just a 12 continuing objection to this as 13 beyond the scope to 30(b)(6)?</p> <p>14 MS. PARFITT: Sure.</p> <p>15 MR. SMITH: I have no 16 objection to you asking background 17 questions, I think it's fair. 18 But, obviously, some of these 19 questions, I just want to make 20 sure the record is clear, are not 21 30(b)(6) issues.</p> <p>22 MS. PARFITT: I will accept 23 your -- 24 MR. SMITH: Thank you.</p>	<p style="text-align: right;">Page 37</p> <p>1 covering.</p> <p>2 Q. Well, if your products 3 contain asbestos, would you agree with me 4 that that impacts the safety of the 5 product?</p> <p>6 A. Absolutely, yes.</p> <p>7 Q. Would you agree that Johnson 8 &amp; Johnson has a zero tolerance policy 9 with regard to having asbestos in their 10 talcum powder products?</p> <p>11 A. That is correct.</p> <p>12 Q. In fact, as a representative 13 of the company, it's your position that 14 your Johnson &amp; Johnson's talcum powder 15 products should not contain asbestos; is 16 that correct?</p> <p>17 A. That is correct.</p> <p>18 Q. And you would agree with me 19 that if your talcum powder products had 20 asbestos in them, it would place the 21 consumers that use your product in 22 needless danger, correct?</p> <p>23 A. It could, yes.</p> <p>24 Q. Now, you are also going to</p>

<p style="text-align: right;">Page 38</p> <p>1 be testifying in your capacity or former 2 capacity as a risk assessor; is that 3 correct?</p> <p>4 A. I'm here representing the 5 corporation. I'm not here as an expert, 6 per se.</p> <p>7 Q. And I'm glad you clarified. 8 As the corporate 9 representative, what you bring is your 10 role previously with Johnson &amp; Johnson in 11 the area of risk management; is that 12 fair?</p> <p>13 A. Fair enough.</p> <p>14 Q. That's a job that you held?</p> <p>15 A. Absolutely.</p> <p>16 Q. And I believe, Dr. 17 Nicholson, that you had -- up until about 18 2015, you were vice president of -- I 19 have it here -- safety surveillance and 20 risk management?</p> <p>21 A. Actually, up until May of 22 2018.</p> <p>23 Q. Thank you.</p> <p>24 A. Yes, I was vice president of</p>	<p style="text-align: right;">Page 40</p> <p>1 that experience that you bring to bear as 2 a corporate rep for the company, would 3 you agree that when there's more than one 4 way to achieve the same level of benefit 5 and safety, one should select, as a 6 manufacturer, as a supplier, a method or 7 pathway that puts a consumer in the least 8 amount of risk, fair?</p> <p>9 A. I don't know what you mean 10 by "more than one way," if that refers to 11 a procedure or a --</p> <p>12 Q. Let me give you an example.</p> <p>13 A. -- consumer use.</p> <p>14 Thank you.</p> <p>15 Q. Let me give you an example. 16 Sure.</p> <p>17 If we were sitting here 18 today and I were to offer you a piece of 19 candy that was a mint, and then I was to 20 offer you something that's toxic, and 21 they both were foods, the better choice 22 would be to go with that which is safer, 23 fair?</p> <p>24 MR. SMITH: I just want to</p>
<p style="text-align: right;">Page 39</p> <p>1 safety surveillance and risk management 2 in the consumer division of Johnson &amp; 3 Johnson.</p> <p>4 Q. And in your role of vice 5 president of safety surveillance and risk 6 management, is it fair to say that job 7 requires you to balance risks of a 8 product with the benefits of a product? 9 Is that fair?</p> <p>10 A. That's correct.</p> <p>11 Q. And the reason a company 12 like Johnson &amp; Johnson needs someone like 13 you in that position is so -- is to 14 ensure a safe passage for their products; 15 is that correct?</p> <p>16 A. "Safe passage" is an 17 interesting term. If I could rephrase. 18 The job is to ensure that 19 the benefits outweigh the risks and that 20 those products can be used safely and 21 appropriately by whomever the end user 22 is, whether it's a physician, a hospital, 23 nurse or a consumer. So that is correct.</p> <p>24 Q. All right. So in light of</p>	<p style="text-align: right;">Page 41</p> <p>1 object again and make sure we're 2 clear that these are outside the 3 scope.</p> <p>4 MS. PARFITT: Sure.</p> <p>5 Understood.</p> <p>6 BY MS. PARFITT:</p> <p>7 Q. Fair?</p> <p>8 A. Well, if you were offering 9 me poison versus a mint, I would most 10 certainly choose the mint.</p> <p>11 But it's sort of -- it's a 12 difficult analogy, when you're talking 13 about healthcare products because I do 14 think that in some instances we do accept 15 some risk for benefit, you know, broadly 16 speaking.</p> <p>17 So I think each individual 18 case is analyzed on its own merit and the 19 conditions of use. So it -- and that's 20 why we have so many professionals focused 21 in this area.</p> <p>22 Q. Sure.</p> <p>23 A. Because it's never so super 24 straightforward.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. Assuming all things equal, 2 both have the same benefit; two products, 3 same benefit. One has a higher risk or 4 hazard profile. 5 Which one would you 6 recommend, on behalf of the company, that 7 one of your consumers use? 8 A. Well, obviously, the safer 9 product. 10 Q. Now, it's fair to say that 11 during the course of today, as a 30(b)(6) 12 witness, you're also going to be 13 testifying on behalf of your companies 14 with regard to whether or not baby powder 15 poses a hazard to women -- to consumer 16 health, fair? 17 A. Fair enough. 18 Q. And I believe you have 19 previously testified that talc does not 20 cause -- or talcum powder products 21 manufactured by Johnson &amp; Johnson do not 22 cause ovarian cancer. 23 That's your position, 24 correct?</p>	<p style="text-align: right;">Page 44</p> <p>1 A. That's correct. 2 Q. Did any of the other 3 defendants, Imerys or PCPC, also have you 4 as an expert testifying in that case, or 5 was it limited to J&amp;J and JJCI? 6 A. I was not actually 7 testifying as an expert in that case. I 8 was a fact witness. 9 And I was testifying on 10 behalf of Johnson &amp; Johnson. 11 Q. So you were neither an 12 expert witness nor a corporate 13 representative, you were testifying as a 14 factual witness in the Ingham matter? 15 A. In that case, yes, that's 16 correct. 17 Q. In the Daniels case, were 18 you testifying as an expert witness, 19 corporate representative or factual 20 witness? 21 A. I know for sure I was an 22 expert witness. 23 And back to the question you 24 asked me earlier, I'm not sure if I was</p>
<p style="text-align: right;">Page 43</p> <p>1 A. That's correct. That's what 2 the data shows. 3 Q. Is it fair to say, for the 4 purposes of the ladies and gentlemen of 5 the jury that will be hearing this, that 6 it is the position of Johnson &amp; Johnson 7 that talcum powder products manufactured 8 by Johnson &amp; Johnson and Johnson &amp; 9 Johnson CI do not cause ovarian cancer? 10 A. That's correct. 11 Q. That's the position the 12 company is taking? 13 A. The company position is that 14 those products do not cause cancer, 15 correct. 16 Q. And the date today is the 17 26th of July 2018, and the company is 18 still maintaining that position, fair? 19 A. That's correct. 20 Q. Now, in the most recent case 21 where you've given testimony, the Ingham 22 case, you were hired by J&amp;J -- or, excuse 23 me, you were testifying for J&amp;J and JJCI, 24 correct?</p>	<p style="text-align: right;">Page 45</p> <p>1 officially a corporate witness. I think 2 I may have been, but I'm not 100 percent 3 sure on that. 4 Q. Same response to Gianna 5 Keany? 6 A. Gianna Keany. 7 Q. Gianna Keany. 8 A. It's a tough name. 9 Q. Thank you. I should do 10 better, though. That's important to the 11 individual. 12 A. Fair. 13 So I was a medical expert in 14 that case. 15 Q. In the Ingham case, is it 16 fair to say that you testified that 17 talcum powder products did not cause 18 ovarian cancer? 19 A. That's correct. 20 Q. Your company's product, 21 correct? 22 A. Any talcum powder use does 23 not cause ovarian cancer. 24 Q. Is it fair to say that the</p>



<p style="text-align: right;">Page 46</p> <p>1 jury did not, our peers, did not agree 2 with that testimony of Johnson &amp; Johnson 3 that talcum powder products does not 4 cause ovarian cancer? Is that fair? 5 MR. SMITH: Objection. 6 THE WITNESS: So the jury 7 did rule against that -- Johnson &amp; 8 Johnson in that case, that's 9 correct. 10 BY MS. PARFITT: 11 Q. Did you sit through the 12 whole trial? 13 A. I did not. 14 Q. Is it fair to say that the 15 jury in the Ingham case also disagreed 16 with the corporate position of Johnson &amp; 17 Johnson that talcum powder products are 18 safe -- 19 A. They did rule -- 20 Q. -- when used in the perineal 21 area? 22 A. Can you restate the 23 question? 24 Q. I absolutely can.</p>	<p style="text-align: right;">Page 48</p> <p>1 A. I would agree that it's 2 likely that that was their opinion. 3 Q. Now, that Ingham case also 4 involved the issue of asbestos, correct? 5 A. It did. 6 Q. Asbestos in the product? 7 Is it fair to say that the 8 jury did not agree with the position of 9 Johnson &amp; Johnson, that there's no 10 evidence that Johnson &amp; Johnson baby 11 powder has ever had asbestos in it; is 12 that fair? 13 A. Yes, that is fair. 14 Q. You would agree, Dr. 15 Nicholson, if Johnson &amp; Johnson baby 16 powder indeed had asbestos in it, it 17 would be imprudent and not reasonable for 18 Johnson &amp; Johnson to sell it to its 19 consumers? 20 A. I would agree with that. 21 Q. Because that would put 22 customers and consumers at unnecessary 23 risk, correct? 24 A. It potentially could put</p>
<p style="text-align: right;">Page 47</p> <p>1 Is it fair to say -- excuse 2 me. Let me just say that. 3 Is it fair to say that the 4 jury in the Ingham case did not agree 5 with the corporate position of Johnson &amp; 6 Johnson that talcum powder products are 7 safe? 8 A. I'm not sure that was the 9 exact wording in the ruling. But they 10 did, again, rule against Johnson &amp; 11 Johnson in that case. 12 Q. And safety of talcum powder 13 products was at issue in that trial, 14 correct? 15 A. It was. But I do know that 16 there was also a question about warning 17 and whether there should be a warning or 18 not. 19 So the exact language of the 20 ruling, I'm not intimately familiar with. 21 Q. But you would agree with me 22 that overall, in finding for the 23 plaintiff, they found that the product 24 was not safe?</p>	<p style="text-align: right;">Page 49</p> <p>1 people at unnecessary risk, yes. 2 Q. That would just be wrong, 3 correct? 4 MR. SMITH: Objection. 5 You can answer. 6 THE WITNESS: Thank you. 7 I would not support Johnson 8 &amp; Johnson selling a product that 9 contained asbestos. 10 BY MS. PARFITT: 11 Q. Because it would be wrong, 12 correct? 13 A. It would -- from my point of 14 view, yes, it would be wrong. 15 MS. PARFITT: Let me mark, 16 if I may, your curriculum vitae, 17 which you were kind enough to 18 provide us. And we will make that 19 Exhibit Number 3. 20 - - - 21 (Whereupon, Exhibit 22 Nicholson-3, Curriculum Vitae, 23 Susan C. Nicholson, M.D., 24 F.I.D.S.A., was marked for</p>